

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NORTH CAROLINA

Kristensons-Petroleum, Inc.

Plaintiff,

-v-

MV CHRISTOS THEO, her engines, tackle,
boilers, permits, appurtenances, etc., in rem

Defendant.

Civ.

VERIFIED COMPLAINT

For its Verified Complaint, Plaintiff, Kristensons-Petroleum, Inc. ("Plaintiff"), by and through its undersigned attorneys, alleges as follows:

1. This Verified Complaint alleges admiralty and maritime claims within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and this Court has admiralty jurisdiction over such claims pursuant to 28 U.S.C. § 1333.

2. This action is further brought pursuant to Rule C of the Supplemental Rules for Admiralty and Maritime Claims.

3. Plaintiff is a corporation registered under the laws of the State of Delaware with a place of business in Red Bank, New Jersey and is in the business of supplying marine fuel oil to ocean going vessels.

4. The defendant vessel, MV CHRISTOS THEO ("CHRISTOS THEO" and/or "Vessel"), is an ocean going bulk carrier, bearing IMO number 9565118, registered in the Marshall Islands, and is now or will be within this District and the jurisdiction of this Honorable Court during the pendency of this matter.

5. Upon information and belief, at all relevant times, the CHRISTOS THEO was under charter to Tramp Maritime Enterprises Ltd. ("Tramp").

6. On or about February 12, 2013, Plaintiff contracted with the CHRISTOS THEO, her master, owner, charterers, managers and Tramp, to supply 350-450 mts of marine fuel oil, IFO 380 cst, ("Bunkers") to the CHRISTOS THEO.

7. On or about February 17, 2013, Plaintiff arranged for the provision of 410.0310 mts of Bunkers to the CHRISTOS THEO in the Port of Lome, Togo.

8. Despite due demand, the Plaintiff has not been paid in full for the Bunkers supplied to the CHRISTOS THEO.

9. In particular, the total amount due for the Bunkers supplied to the CHRISTOS THEO was USD \$323,514.46. (A copy of the Invoice No. 18607 for the Bunkers ("Invoice") is attached hereto as Exhibit 2).

13. Tramp has made several part payments on the Invoice, totaling USD \$212,000.00.

14. There is therefore a balance currently due and owing of USD \$111,514.46 on the Invoice.

15. Plaintiff has thus suffered damages in the total amount of USD \$111,514.46, plus interest at the rate stated in the Terms and Conditions, and the attorneys' fees and costs incurred in collecting the due amounts.

16. As a supplier of necessities to a vessel, Plaintiff has a maritime lien on the CHRISTOS THEO under the Federal Maritime Lien Act, 46 U.S. Code §§ 31342 et seq.

17. The CHRISTOS THEO is thus liable to Plaintiff in rem for the Bunkers supplied to it in the total amount of \$152,815.00, and the attorneys' fees and costs incurred in collecting the due amounts.

WHEREFORE, for the first cause of action alleged above, Plaintiff prays:

A. That process in due form of law according to the rules and practice of this Court in causes of admiralty and maritime jurisdiction be issued against the Vessel, her engines, tackle, equipment, rigging, furniture, auxiliary vessels, appurtenances, etc., *in rem*, citing it to appear and answer the matter aforesaid;

B. That pursuant to Supplemental Rule C and local Rule E(1) a warrant of arrest be issued against the Vessel;

C. That judgment be entered, *in rem*, in favor of Plaintiff and against Defendant Vessel, recognizing Plaintiff's maritime lien;

D. That the Vessel be condemned and sold to satisfy the lien of Plaintiff, including pre-and-post judgment interest, attorneys' fees and costs;

E. That the Court enter judgment against the Vessel, for the amount of Plaintiff's damages, together with interest, administrative fees, custodial fees, costs, and attorneys' fees;

F. That Plaintiff have such other and further relief as the law and justice may require.

Dated: July 24, 2014

CROSSLEY MCINTOSH COLLIER HANLEY & EDES, P.L.L.C.
Attorneys for Plaintiff Kristensons-Petroleum, Inc.

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ATTORNEY VERIFICATION

I, ANDREW HANLEY, hereby declare under penalty of perjury as follows:

I am a member of the firm Crossley, McIntosh, Collier, Hanley and Edes PLLC, attorneys for Plaintiff herein. I have read the foregoing Verified Complaint, and know the contents thereof, and the same are true and correct to the best of my knowledge, information and belief. I have reviewed documentation concerning this matter provided by Plaintiff and have corresponded with them on the information provided. I am authorized by Plaintiff to make this verification. I am making this verification since there is no officer or director of Plaintiff within the District of North Carolina to execute same. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 24, 2014.

/s/ Andrew J. Hanley
Andrew J. Hanley